



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095

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**LETTER OF DEFICIENCY
WET #SC2003-0015**



September 24, 2003

Grounds Care Unlimited Inc.
Attn: Roger Smith
PO Box 726
Greenland, New Hampshire 03840

**RE: Wetlands Bureau File #2000-821, Ground Care Unlimited, West Road, Portsmouth
Tax Map R-67 / Lot 1-32.**

Dear Mr. Smith:

The Department of Environmental Services ("DES") Wetlands Bureau is conducting a systematic review of all enforcement cases currently outstanding.

On October 13, 2000, DES approved a wetlands permit for the above referenced property, more specifically referenced on the City of Portsmouth Tax Map R-67 as Lot 1-32 (the "Property"), to fill 2,570 sq. ft. of freshwater wetland to provide driveway access from West Road to construct a commercial building in the upland.

As you are aware, on September 17, 2003, DES personnel conducted an inspection of the property to determine compliance with RSA 482-A, the New Hampshire Wetlands Law. During the inspection, DES personnel determined that filling of approximately 12,000 sq. ft. of freshwater wetlands took place on the property beyond what was originally approved in the NHDES Wetlands Permit #2000-821 from the DES Wetlands Bureau. Attached is a copy of the plan and a photo showing the wetland area that is filled.

DES requests that you take the following action:

1. Retain a qualified wetland consultant to generate a plan which depicts existing conditions showing the topography of the property, and quantifies by field survey the current extent of disturbance in jurisdictional wetlands, and a restoration plan, as described below.
2. Submit both the existing conditions plan, and a restoration plan no later than **November 24, 2003** for review and approval including:
 - a. A plan with dimensions for the removal of a total of approximately 12,000 sq. ft. of unpermitted fill in wetlands.
 - b. Planting plan (forested/scrub-shrub wetland species) for the stabilization of the removal areas;
 - c. Equipment and methods of erosion control (silt fence, hay bales, etc.);
 - d. Construction sequence and timetable for accomplishing remediation no later than **April 1, 2004**.

NHDES Wetlands File #2000-821

3. Retain a qualified wetland consultant to supervise and execute the requests of this letter.
4. Execute the restoration plan immediately upon receipt of the restoration plan approval from the DES Wetlands Bureau.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging or filling in and adjacent to wetlands or surface waters, an individual is required to obtain a permit from the Wetlands Bureau. If work is done without a permit from the Wetlands Bureau, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.


Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

David Price, Compliance Investigator
Wetlands Bureau
Department of Environmental Services
360 Corporate Drive, Suite 2
Portsmouth, NH 03801

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact David Price at (603) 433-6183.

Sincerely,


COPY
Dori Wiggin
Coastal Supervisor
DES Wetlands Bureau

DAW/dap

CERTIFIED MAIL #7003 1010 0003 3557 2470

cc: Rene Pelletier, Manager, Land Resources Management Program
Mark Harbaugh, DES Legal Unit
Portsmouth Conservation Commission
Peter Britz, Portsmouth Environmental Planner